

**RECORD OF ORDINANCES**

Ordinance No. 5-8-2017-1

Passed 20 17

**AN ORDINANCE TO AMEND CHAPTER 1406 (INTERNATIONAL PROPERTY MAINTENANCE CODE) OF THE BALTIMORE CODIFIED ORDINANCES IN ORDER TO ADOPT AN UPDATED REVISION REGARDING WEEDS AND GRASS, AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, the Village of Baltimore previously adopted, in Ordinance 11-14-2016-2, the 2012 of the International Property Maintenance Code (herein after "the Code"); and

WHEREAS, the Village of Baltimore desires to adopt an updated revision to the Code, regarding "Weeds and Grass," for the safety of the Village's citizens; and

WHEREAS, this legislation needs to be adopted on an emergency basis in order for the orderly and timely enforcement of the Code for the safety of the Village's resident;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

**SECTION 1:** Chapter 1406.02, "REVISIONS," of the Code, is hereby amended to read in relevant part as follows:

**"1406.02 REVISIONS.**

The following sections are hereby revised:

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Section 302.4, "Weeds," is hereby amended by substitution, with the attached Exhibit A, titled "Weeds and Grass."

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**SECTION 2:** For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio. Therefore, this ordinance shall become effective upon its passage by Council.

\_\_\_\_\_  
Brad Nicodemus, Mayor

DATE OF PASSAGE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Kathryn E. Jenkins, Fiscal Officer

SPONSOR:

APPROVED AS TO FORM: \_\_\_\_\_  
Jeffrey Feyko, Village Solicitor

## EXHIBIT A

### **302.4.1 GRASS AND WEED CONTROL REQUIRED.**

- (a) No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the Village, shall permit grass or noxious weeds to grow thereon or on the adjacent right-of-way to a height in excess of eight inches (8"), or to mature seeds thereon, or fail to cut and destroy such high grass or noxious weeds when notified by the Code Enforcement Officer or designee to do so.
- (b) "Noxious weeds" includes thistle, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy and other vegetation of rank growth, and the failure to cut the same is declared a nuisance and a hazard to the health and safety of the residents of the Village.
- (c) Whoever violates this section is subject to the penalties set forth in 302.4.99.

### **302.4.2 APPLICATION.**

Sections 302.4.3 and 302.4.4 are applicable to all land within the corporation limits of the Village, except land zoned RR Rural Residential and land which has not been zoned.

### **302.4.3 NOTICE TO CUT GRASS OR WEEDS.**

The Code Enforcement Officer or designee shall cause a written notice of violation to be served upon any of the owners, lessees, tenants or other persons or entities having charge of land in the Village, notifying them that grass of excessive length or noxious weeds are growing on land in their care and ordering that such grass or noxious weeds be cut within five (5) days after the service of the notice of violation. Only one written notice of violation per calendar year is required to be served by the Code Enforcement Officer or designee in order to abate a grass or noxious weed offense as provided in Section 302.4.4(a). If, after one notice of violation has been served, the Code Enforcement Officer or designee determines that once or more subsequent violations have occurred on the subject lot or parcel of land during the calendar year, the Village may proceed to immediately abate such violations as provided in Section 302.4.4(a). A notice of violation for each offense is required to be served by the Code Enforcement Officer or designee prior to filing criminal charges under Section 302.4.4(b). Written notice may be served by any of the following methods:

- (a) Handing the notice to some person of suitable age and discretion residing or employed therein;
- (b) Delivering the notice by United States first class mail to any of the owners, lessees, tenants or other persons or entities having charge or care of land and posting the notice by affixing it to the front of the building in clear view from the street, or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting;
- (c) Publishing the notice once in a local newspaper of general circulation.

### **302.4.4 FAILURE TO COMPLY WITH NOTICE; REMEDY OF VILLAGE; COLLECTION OF COSTS.**

During the period of April 1 through October 31 of each calendar year, the Code Enforcement Officer or designee may determine that the growth of grass or noxious weeds on land for which a written notice of violation has been issued constitutes a hazard and/or a nuisance pursuant to Section 302.4.1 and that the person having charge or care of the land has failed to comply with the notice. Thereupon, the Code Enforcement Officer or designee may cause the grass or noxious weed offense to be remediated by any of both of the following methods:

(a) Abatement.

- (1) The Code Enforcement Officer or designee may cause the grass or noxious weeds to be cut by use of Village force and equipment or by the hiring of private contractors.
- (2) Upon completion of the cutting and removal of grass or noxious weeds, the Code Enforcement Officer or designee shall determine the cost of cutting and removal and shall cause a statement thereof to be mailed to the owner of the land. Such statement of costs shall include:
  - (a) Village equipment charge;
  - (b) Village equipment operator charge;
  - (c) Equipment transportation charge;
  - (d) Administration and supervision charge;
  - (e) Removal charge;
  - (f) Contractual charges;
- (3) The owner shall pay such costs as are charged in accordance with this section to the Fiscal Officer within thirty (30) days after the statement of charges has been mailed to the owner at the address of record in the office of the County Treasurer. Such payments shall be credited to the appropriation from which such cost was paid by the Village. If the charge is not paid within thirty (30) days after mailing, the Fiscal Officer shall certify the charges for services as provided in subsection (a)(2) hereof to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the Village with the General Fund pursuant to ORC Section 731.54. The recovery of its costs by the Village pursuant to this section is a remedy in addition to the penalty provided for in Section 302.4.99.

(b) Criminal Complaint.

- (1) The Code Enforcement Officer may file a criminal complaint in Village Mayor's Court or any other court of proper jurisdiction, for any offense in this section.

**302.4.99 PENALTY.**

- (a) Any person who violates any provision of this section shall, upon a first offense, be guilty of a misdemeanor of the fourth degree (M4) and subject to the penalties set forth in the Ohio Revised Code. Any person who violates any provision of this section shall, upon a second offense within one (1) year of the first offense, be guilty of a misdemeanor of the third degree (M3) and subject to the penalties set forth in the Ohio Revised Code. Any person who violates any provision of this section shall, upon a third or subsequent offense, be guilty of a misdemeanor of the first degree (M1) and subject to the penalties set forth in the Ohio Revised Code.
- (b) Strict liability is intended for a violation of this section.